

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Ernest Carter,

Civil No. 16-2979 (DWF/HB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

St. Cloud Correctional Center/Department
of Corrections,

Defendants.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge dated December 16, 2016. (Doc. No. 10.) No objections have been filed to the Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation (Doc. No. [10]) is **ADOPTED**;
2. This action is **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 9, 2017

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge